

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

WILLIE RAY BOUNDS,

Plaintiff,

v.

Case No. 14-C-723

**NURSES NOW LLC, and
WENDY GRANT,**

Defendants.

DECISION AND ORDER

Pro se Plaintiff Willie Ray Bounds (“Bounds”) seeks leave to proceed *in forma pauperis* on his civil action against Defendants Nurses Now LLC (“Nurses Now”), his former employer, and Wendy Grant (“Grant”) arising from the termination of his employment. (ECF No. 2.) Bounds filed a verified Complaint.¹ (ECF No. 1.) Liberally construed, Bounds states that his employment was terminated based on false claims that he cheated Nurses Now out of time because office manager Grant claimed she saw him at the Pick-N-Save grocery store at 4:00 p.m. on February 8, 2014. Bounds states that Grant made a “great mistake” when she stated that he was the

¹ By declaring under penalty of perjury that the Complaint is true, and by signing it, Bounds converted the factual assertions in the Complaint, that are based on personal knowledge and would be admissible into evidence, into an affidavit. *See Ford v. Wilson*, 90 F.3d 245, 246 (7th Cir. 1996). The Court notes, however, that Bounds was not truthful in his Complaint. He answered “yes” to question I.B. regarding prior federal and state lawsuits, identifying only his most recent action, *Bounds v. HealthSpan Inc.*, 14-C-713 (E.D. Wis.). However, Bounds also filed three additional actions in this District: *Bounds v. United Parcel Serv.*, No. 98-C-658; *Bounds v. River Hills West Healthcare Center*, No. 08-C-745; and *Bounds v. Cardinal Stritch University*, No. 11-C-74. Bounds is advised that making false statements under penalty could subject him to criminal prosecution.

person. (Compl. 3.) Bounds also states that after Grant became the office manager, she had an issue with him for several reasons, including that she thought she was a “plantation owner.” (*Id.* at 4.) Bounds also attached a dismissal and notice of rights from the Equal Employment Opportunities Commission (“EEOC”).

In order to authorize a litigant to proceed *in forma pauperis*, the Court must make two determinations: First, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a)(1) and (e)(2)(B)(i).

By his petition and affidavit to proceed *in forma pauperis*,² Bounds avers that he is employed, single, and has no legal dependents. Bounds earns \$850 per month. Bounds does not own any valuable property that might be worth more than \$1,000. He has \$12.50 in a checking account. His monthly expenses of \$780 include \$350 for rent, \$150 for groceries, \$75 for utilities, \$54 for a cell phone, and \$150 for clothing.

Because Bounds was not truthful (see footnote one) in his Complaint, the Court will require him to support his affidavit with records from his current employer(s) and bank as to his financial status. In the Court’s view, Bounds has not satisfied the requirements of 28 U.S.C. § 1915(a) and will be required to pay the fee for filing this action unless further documentation in support of his petition and affidavit is offered. The cost of filing this civil action is \$400.00. This includes the

² Some of the facts and figures are different than those provided three days earlier in *Bounds v. HealthSpan et al.*, No. 14-C-713 (E.D. Wis.).

\$350.00 statutory filing fee and a \$50.00 administrative fee. If Bounds fails to comply with this Court's order by the stated deadline, this action will be dismissed for lack of prosecution without further order of the Court.


NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Bounds' request to proceed *in forma pauperis* (ECF No. 2) is **DENIED**; and

On or before July 28, 2014, Bounds must pay the \$400 cost for filing this action, or he may file further documentation in support of his petition and affidavit for leave to proceed *in forma pauperis*.

Dated at Milwaukee, Wisconsin, this 27th day of June, 2014.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge